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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,636	11/28/2001	Tsuyoshi Sakyo	216251US3PCT	5729

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EXAMINER

CARPENTER, SCOTT A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,636

Applicant(s)

SAKYO, TSUYOSHI

Examiner

Scott A. Carpenter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10, and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 6 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-5, 7, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 7-34486 in view of Stevens in U.S. Patent 5,481,441 and Martin, Jr. in U.S. Patent 4,702,516.

Regarding claim 1, Japanese Patent 7-34486 ('486 hereafter) discloses a cab for a construction machine having two side frames (the side walls), a door, a front window, a roof, and a rear section, and a cross beam member (12), but fails to teach the use of a reinforcing beam member provided between first and second side frame structures. Stevens discloses a light bar apparatus of the type typically installed on vehicles comprising a rod-like beam member (16). It would have been obvious to one of ordinary skill in the art to modify the invention of '486 to include the light bar of Stevens along the upper front portion of the cab to enhance operator

visibility at night without blocking visibility through the window, and furthermore, the beam member of Stevens would also reinforce the upper front section in the transverse direction.

Regarding claims 2-4, '486 and Stevens fail to disclose a window panel in the roof. Martin, Jr. (Martin hereafter) discloses a cab for an industrial vehicle having a window in the front roof panel. It would have been obvious to one of ordinary skill in the art to further modify the combination of '486 and Stevens to include a roof panel window in the front - as taught by Martin - to enhance the range of visibility of the operator in the cabin. Additionally, when including the roof panel window, it would have been further obvious to one of ordinary skill in the art to mount the light bar of Stevens in the boundary region between the front and roof panel windows to prevent the light bar from obscuring the operator's field of view.

Regarding claim 5, while none of the references teach mounting brackets to secure the light bar of Stevens to the cab of '486, it would have been obvious to one of ordinary skill in the art to make or use pre-made brackets (as needed) to mount the light bar of Stevens to the cab of '486. Additionally, since the light bar of Stevens pivots, it would be necessary to use mounting brackets on the end support units and, accordingly, the front sides of the cab of '486.

Regarding claims 7 and 8, the device of Stevens has four lamps.

Regarding claim 10, Stevens discloses a square beam, however, it would have been obvious to one of ordinary skill in the art to modify the invention of Stevens if desired to use a beam of circular cross section as an aesthetic design choice.

Regarding claim 11, the use of foaming resins for filling and reinforcing structural members is old in the arts, and therefore it would have been obvious to one of ordinary skill in the art to use a standard light bar of the type of Stevens (without adjustable lights) if the

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adjustability was not desired, and to further fill the hollow bar with reinforcing resin to further strengthen the beam.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujimoto and Tiziano both disclose vehicle cabs.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Carpenter whose telephone number is 703-308-6290.

The examiner can normally be reached on Mon. - Thurs. 9-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-308-3297 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sac

November 17, 2002


SCOTT CARPENTER
PATENT EXAMINER


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600